

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF
TEXAS MARSHALL DIVISION

EDWARD BENTON GLASS

VS.

UPSHUR COUNTY MEDICAL, ET AL.

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CIVIL ACTION NO. 2:23-cv-119-JRG-RSP

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Edward Glass, an inmate currently confined at the Upshur County Jail, proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. The case was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On November 8, 2023, Judge Payne issued a Report (Dkt. No. 30), recommending that Plaintiff's motion for default judgment (Dkt. No. 15) be denied. A copy of this Report was sent to Plaintiff at his last-known address. To date, however, Plaintiff has neither filed objections to the Report nor otherwise communicated with the Court. The objection period has expired.


Because objections to Judge Payne's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918

(1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge (Dkt. No. 30) is **ADOPTED** as the opinion of the Court. Plaintiff's motion for default judgment (Dkt. No. 15) is **DENIED**.

So ORDERED and SIGNED this 26th day of March, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE